

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CHAMBER SUMMONS NO. 1378 OF 2004
IN
SUIT NO. 2026 OF 2004

Kishor M.shah and ors. ...Plffs.
VS.
Afzal Shayada Defendant
AND
Rajiben A. Bhutak and ors....Respondents

M. Virani for defendants.

D.H. Mehta with K.D. Naik for plffs.

Vilas Mali for respondents.

CORAM: S.U. KAMDAR, J.

DATE : 26TH APRIL, 2005.

P.C.:.:

1. The present chamber summons is taken out for amendment of the plaint interms of the schedule annexed thereto to include subsequent purchaser of the property as party defendant to the suit. Amendment allowed. The defendants objects on the ground that the chamber summons is barred by the law of limitation. The issue

of limitation is kept open to be decided at the hearing of the suit. The second contention raised is that there are conflicting averments in the suit as well as in the schedule to the chamber summons. On perusal of both I do not find any such inconsistent plea. In view thereof chamber summons made absolute. Amendment to be carried out within two weeks.
